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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

UNITED STATES OF AMERICA,

CR 05-60008

Plaintiff,

v.

**MOTION FOR SENTENCING
DISCOVERY**

PIROUZ SEDAGHATY,

Defendant.

Defendant Pirouz Sedaghaty, through his attorneys, Federal Public Defender Steven T. Wax and Lawrence Matasar, hereby requests the following discovery for the sentencing proceeding. This application is filed based on the government's notice that it intends to call an FSB agent, Sergey Ignatchenko,

to testify regarding the terrorism enhancement under the United States Sentencing Guidelines. Mr. Sedaghaty requests:

1. a detailed resume for Mr. Ignatchenko, including a statement of positions he has held at the FSB or any predecessor agencies, how long he held the positions, foreign postings that he has had, and his proficiency, or lack thereof, in Arabic;
2. if Mr. Ignatchenko professes to be proficient in Arabic, records of any proficiency examinations;
3. copies of the purported regulations requiring erase or destruction of certain communications after five years;
4. details of all preliminary or court hearings at which any recordings were made that the Russian FSB continues to have in its possession involving any employee, officer or agent of Al Haramain including, but not limited to, the recording made in 2001 that is referenced in the discovery provided from the FSB;
5. description of:
 - a. the circumstances under which the alleged recording of Aqeel Al Aqeel was made;
 - b. the agents or officers who participated in its recording;
 - c. the agents or officers, if any, who overheard the alleged conversation contemporaneously;
 - d. where those officers were stationed; and

- e. any contemporaneous notes taken by any officers or agents during the conversation or immediately thereafter.
- 6. all notes or reports regarding analysis by the FSB or any other Russian entity of the alleged conversation;
- 7. all information regarding why the government withdrew Ignatchenko at trial and a description of any and all terms or conditions pertaining to his testimony and his appearance as a witness at this time;
- 8. all terms required by Russia to authorize Mr. Ignatchenko's testimony for sentencing;
- 9. copies of whatever agreement was entered into between the United States and Russia prior to the meeting that occurred on or about June 20, 2008; provide any agreement made subsequent to that meeting;
- 10. the agreement that led to the meeting in Moscow in December 2008, that led to the exchange of information between the United States and Russia that generated the information from the FSB;
- 11. all information regarding:
 - a. the method used to overhear any alleged conversation about which the witness will testify including conversation(s) between Aqeel Al Aqeel and Khattab;
 - b. state whether this was overheard through any satellite communication, human agent, wiretap, eavesdrop or other mechanism;
 - c. provide all details regarding the agents involved in the operation and the locations.

12. all information regarding the destruction of the alleged Aqeel Al Aqeel tape, and any Russian investigation thereof.

Respectfully submitted on November 15, 2010.

/s/ Steven T. Wax
Steven T. Wax
Federal Public Defender

/s/ Lawrence H. Matasar
Lawrence H. Matasar